

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated December 5, 2008. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-12 are pending in the Application. Claims 10-12 are added by this amendment.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. However, to advance prosecution, the claims are amended for better clarity and conformance with the specification. It is respectfully submitted that this rejection under 35 U.S.C. §112, second paragraph of claims 1-9 is overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,370,091 to Kuroda ("Kuroda") in view of U.S. Patent No. 6,243,340 to Ito ("Ito"). Further, claims 1-9 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,274,638 to Lee ("Lee") in view of Ito. The rejection of claims 1-9 is

respectfully traversed. It is respectfully submitted that claims 1-9 are allowable over Kuroda in view of Ito and Lee in view of Ito for at least the following reasons.

Kuroda shows a method of recording information on a multilayer disk wherein data blocks are written that are of equal size (see, Kuroda, FIGS. 3A-3C, 5 and accompanying description contained in Col 3, line 43 through Col. 4, line 46). It is undisputed that "the primary reference [Kuroda] does not disclose the use of a session recording." (See, Office Action, page 3.) Further, as is clear from a review of Kuroda and the figures, Kuroda does not store information in a way wherein a fragment of written information is contained within another fragment of written information. For example, in FIGS. 3B, 3C, each fragment of written information (fragments D1-D6) is self contained and does not include any other fragment of written information.

Lee shows a method of recording information on a multilayer disk wherein buffer areas are included surrounding each data area (see, Lee, FIG. 3A and accompanying description contained in Col. 5, lines 23-35). As is clear from a review of Lee and the figures, Lee does disclose or suggest that data areas include lead-in areas

and lead-out areas and as such, has little if anything to do with the claims as presented.

Ito is cited to provide that which is missing from each of Kuroda and Lee however, it is respectfully submitted that reliance on Ito is misplaced. Ito merely shows a multi-session 400 including consecutively addressed sessions including a 1st session 401 and a following 2nd session 402 (see, Ito, FIG. 4 cited in the Office Action). While the Office Action apparently interprets each session as corresponding to a fragment as recited in the claims, it is respectfully submitted that reliance on this interpretation is misplaced. While each of the 1st and 2nd sessions includes a lead-in area and lead-out area, it is clear that Ito does not disclose or suggest a fragment lead-in area and a fragment lead-out area apart from the session lead-in area and the session lead-out area. Further, it is clear that Ito does not disclose or suggest a fragment lead-in area and a lead-out area of a fragment that is contained between a fragment lead-in area and a fragment lead-out area of another fragment.

Accordingly, is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kuroda in view of Ito nor Lee in view of Ito. For example, Kuroda

in view of Ito and Lee in view of Ito does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the information is stored including one fragment of written information contained within at least one other fragment of written information, wherein each fragment is contained between a session lead-in area and a session lead-out area, and wherein each fragment includes a fragment lead-in area and a fragment lead-out area apart from the session lead-in area and the session lead-out area such that a fragment lead-in area and a lead-out area of the one fragment is contained between a fragment lead-in area and a fragment lead-out area of the at least one other fragment" as recited in claim 1.

Further, is respectfully submitted that the method of claim 10 is not anticipated or made obvious by the teachings of Kuroda in view of Ito nor Lee in view of Ito. For example, Kuroda in view of Ito and Lee in view of Ito does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the information is stored including a fragment of written information contained within a session, wherein the fragment includes a fragment lead-in area and a fragment lead-

out area apart from a session lead-in area and a session lead-out area" as recited in claim 10.

As clear from Ito, even in the misplaced interpretation of the Office Action, Ito clearly does not show a session contained within another session wherein each session includes a lead-in area and a lead-out area.

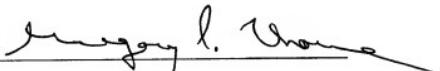
Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 10 are patentable over Kuroda in view of Ito and Lee in view of Ito and notice to this effect is earnestly solicited. Claims 2-9 and 11-12 respectively depend from one of claims 1 and 10 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Particularly, the Office Actions position on what is "well established" is respectfully refuted. However, any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. In any

event, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101